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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gmeinder et al.

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)

Serial No.: 10/575,413

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For: Input Device for the Activation
and Control of Functions of Plural
Apparatuses of a Dentist's or Dental
Treatment Station/Work Station

) to: Commissioner for Patents, P.O. Box 1450,
)

Group Art Unit: To be assigned

) Alexandria, VA 22313-1450
)

Examiner: To be assigned

) September 28, 2006
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From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II)
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

Date of mailing (day/month/year)
14 September 2006 (14.09.2006)

To:

SCHMIDT-EVERS, J.
Mitscherlich & Partner
Sonnenstrasse 33
Postfach 33 06 09
80066 München
ALLEMAGNE

R E C E I V E D
R H A L T E N

20 Oct. 2006

Mitscherlich & Partner
Patent- u. Rechtsanwälte

Applicant's or agent's file reference
P28231/WO-SE

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/011263

International filing date (day/month/year)
08 October 2004 (08.10.2004)

Applicant

KALTENBACH & VOIGT GMBH & CO. KG et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P28231/WO-SE	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/011263	International filing date (day/month/year) 08.10.2004	Priority date (day/month/year) 08.10.2003	
International Patent Classification (IPC) or national classification and IPC G06F3/033			
Applicant KALTENBACH & VOIGT GMBH & CO. KG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011263

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- the international application as originally filed/furnished
 the description:

pages 1-18 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- the claims:

nos. 1-32 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

- the drawings:

sheets 1/4-4/4 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011263

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-32</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims _____	YES
	Claims <u>1-32</u>	NO
Industrial applicability (IA)	Claims <u>1-32</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)**1. Reference is made to the following documents:**

- D1: US-A-5 724 106 (SCHINDLER JEFFREY ET AL)
 3 March 1998 (1998-03-03)
- D2: US-B1-6 463 343 (KRAFT REINER ET AL)
 8 October 2002 (2002-10-08)
- D3: US 2002/028418 A1 (FARAG ALY A ET AL)
 7 March 2002 (2002-03-07).

2. The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of the claims does not involve an inventive step (PCT Article 33(3)).

**2.1 D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses an input device for the activation and control of functions of at least one appliance (column 5, lines 65 and 66),
 said input device comprising a first input element for generating navigation data for controlling a pointer on a user interface that is shown on a display (column 11, lines 24-29),**

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011263

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

at least one second input element for generating control data, wherein functions of the appliances can be selected and/or activated independently of the navigation data generated by the first input element (column 12, lines 3-5), and

forwarding means for the wireless transmission of navigation and control data generated by means of the first and second input elements to the upstream functions unit connected to the appliances or one thereof (column 6, lines 7-8),

wherein the control data generated via the second input element can be used independently of a unit that controls the user interface for controlling the at least one appliance (column 12, lines 1-5).

Although all the control data from the remote control is first forwarded to a central control unit, the control data generated via the first input element (for example the movement of a cursor, column 11, lines 24-29) can be used independently of the control data generated by the second input element (for example, for enabling and disabling a display screen, column 12, lines 1-5).

Thus, the subject matter of claim 1 differs from the disclosure of D1 in that the system is used in a dental treatment station.

The solution, as per the subject matter of claim 1 of the present application, cannot be considered

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/011263

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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inventive since the use of the system according to D1 in a dental treatment station merely represent the use of a known system in a similar situation (PCT Article 33(3)).

- 2.2 The same arguments apply in like manner in respect of independent claim 13. In consequence, the subject matter of said claim does not involve an inventive step (PCT Article 33(3)).
- 2.3 Dependent claims 2-12 and 14-32 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for inventive step (see documents D1, D2 and D3 and the relevant passages cited in the search report).